

## ZONING PUBLIC HEARING

A Zoning Public Hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, July 27, 2006 beginning at 6:00 o'clock p.m. Commission Chairman Eddie Freeman presided, and Commissioners Cecil Davis, Edward Goss, Jr., Gwen Flowers-Taylor and Johnie McDaniel were present. Also present were County Manager William P. Wilson, Jr., Community Development Director Chuck Taylor, Senior Planner Chad Jacobs, Zoning Attorney Newton Galloway and Executive Secretary Teresa Watson.

A. Call to order.

B. New Business:

1. Amendment to UDO #A-06-10: Appendix A. Subdivision Ordinance – Section 501:I – amend provision for Architectural Criteria for Single Family Dwellings located within a Subdivision.

Chuck Taylor explained that this amendment was proposed by the Planning Commission after input from local builders who felt it provided for greater options. This ordinance will provide for the option to eliminate the 25% brick or stone requirement if the builder does a four-sided hardy plank application. This ordinance would apply not so much to special exceptions but to the standard 2-acre lot subdivisions where there are limited additional architectural criteria. This is the application that will be most impacted by these proposed changes. Another thing to consider is the allowance of Cemplank or wood shakes for a greater facade variety.

Commissioner Flowers-Taylor said she doesn't like this ordinance.

Mr. Taylor noted that some changes were made recently in this area for special exceptions in subdivisions. This ordinance goes in a slightly different direction in that the previous 25% requirement for brick, stone or stucco can be replaced by the four-sided hardy plank.

Commissioner McDaniel said they had already addressed the scenario that if the builder did not utilize the accents, then he would have to do three sides of the foundation. Mr. Taylor said perhaps this was done recently and was not yet codified and reflected in the Ordinance. The Planning Commission felt this change would provide a greater variety with another architectural option added. The May 25, 2006 Zoning Public Hearing reflected this text amendment change and was read by Mr. Wilson.

Mr. Taylor and Commissioner McDaniel noted that some house plans don't lend themselves to the masonry accents noted, such as the Victorian, Craftsman and other designs that have porches, verandas, etc. For this reason, the Planning Commission felt this option would provide greater flexibility for facade materials. At this point, this ordinance applies to two-acre lot subdivisions but not to conservation subdivisions, etc. where plans have to be submitted. This ordinance will provide some measure of control. Heron Bay's The Enclave and a downtown Hampton 30-lot subdivision both utilize Craftsman style homes with these type accents. Commissioners were encouraged to visit these developments, as well as the conservation subdivision on East Maddox, which uses Cemplank and wood shakes as an exterior accent. A developer who chooses to use Cemplank will have to do all four sides with Cemplank. Vinyl could still be used only in the soffit and fascia. Mr. Taylor felt this neither strengthened nor weakened the ordinance, but merely broadened the choices available. Mr. Taylor reiterated this affects primarily the two-acre lot subdivisions. With conservation subdivisions and special exceptions, those architectural criteria have to be demonstrated when the building elevations are submitted with the applications. On the type architectural designs mentioned previously (Victorian, Craftsman, etc.), one rarely sees brick accents utilized. Country style houses just don't typically use brick and the only way to incorporate the 25% stone, brick or stucco requirement is to go along the water line/crawl space of the house. Depending on the size of the facade, sometimes even utilizing the masonry along the water line/crawl space does not even constitute a 25% usage. He concluded that allowing Cemplank may even result in more design quality.

Chairman Freeman and Commissioner Flowers-Taylor said they didn't see where this change would help, but neither did they see that it would hurt the Ordinance. Commissioner Goss said he wanted to visit the areas mentioned to get a better visual image of the product. Commissioner Flowers-Taylor and Chairman Freeman agreed.

***Commissioner Goss moved to table Amendment to UDO #A-06-10 for further study, seconded by Commissioner McDaniel. Motion carried by a unanimous 5-0 vote.***

2. Amendment to UDO #A-06-11: Appendix J. Commercial/Industrial Development Ordinance – Article 3 – amend fee schedule for minor commercial/industrial developments.

Mr. Taylor advised this proposed reduction in fees charged to developments which have less than 5000 square feet of additional impervious surface. This is for small additions to commercial sites. Site plan review is not as detailed or extensive as it is for the larger developments; consequently, staff time required is less. Thus, this reduction in fees charged is deemed appropriate and he recommended approval.

***Commissioner McDaniel moved to approve Amendment to UDO #A-06-11, seconded by Commissioner Davis, and motion carried by a vote of 5-0.***

C. Other Business:

-Consider potential dates for Zoning Workshop.

Mr. Newton Galloway said he and his staff were tasked to investigate and review TDRs – Transfer Development Rights. TDRs are tools available under Georgia law which permit people to sell the development rights on their property with the agreement that the property from which the development rights sold remains rural and undeveloped. The development rights are moved to an area on the comprehensive plan where we will allow greater density. Therefore, it is a mechanism by which we can preserve rural space; then, once the development right is sold, the property can be taxed accordingly as conservation property with the taxes being made up by the property where the development rights were transferred. Mr. Galloway said he put in a fair amount of time on the project and completed this task, after which he made a presentation to the Planning Commission and requested direction. They instructed Mr. Galloway and Staff to come before the Board of Commissioners.

Mr. Galloway felt if the County were going to have development consistent with the Comprehensive Plan, this would be an integral part of it because it permits the people who want property to remain rural to ensure that and gives them an economic incentive to keep rural property rural.

This concept has other implications, as well. Old flag lots resulting from frontage stripping could then sell development rights on flag lots and not have to develop them in order to realize a return. Georgia law has allowed TDRs since the late 1990s. Fulton County has implemented TDRs for development in the Chattahoochee Hill Country. Mr. Galloway recommends an orientation with the Board of Commissioners. Then, if commissioners like what is presented, they could provide direction to go forward with a model based on Chattahoochee Hill Country in south Fulton. He would like to set a date within the next 30 days for this workshop which should take about two hours. TDRs make great deal of common sense, but an administration learning curve will be required. Many facets will have to be explored and procedures put in place, but the concept makes a great deal of common sense. The County seems to be in the posture of saying it doesn't want to grow just for growth's sake, but rather would like to concentrate growth in certain areas. So, in order to remove pressure from property owners to develop, this will provide an incentive for them to keep the rural property rural, as in the case of the old Johnston Dairy Farm off Birdie Road. Subdivision developers would pay good money for that property to put in a subdivision, and then other issues arise with regard to the Comprehensive Plan. There is an elderly couple who certainly want to sell, and TDRs make a lot of political sense as well as development sense.

Mr. Wilson noted that TDRs are, in essence, phase two of the comprehensive plan. In order to develop the Village Nodes and concentrate those developments, you must take areas of the County that you don't want to see develop with density and sell off the development rights. Then that property can never experience this kind of growth and place those rights instead into the concentrated areas.

A property owner can say he/she is interested in selling the development rights to his/her property which they are willing to keep undeveloped. So, the development right in essence goes to places on the County Land Use Map such as the Village Node. This is a trade-off; the County gets green property in the rural designated location for density at a location where density would be expected to develop. The original property is held in perpetuity as undeveloped. Property ownership carries with it many rights, i.e. mineral, air, hunting, and development. You can certainly pull out the development right to sell while retaining the other rights. Minimum acreage requirements will be up to the Board of Commissioners. These type things can be discussed at the workshop.

It was determined a workshop would be held on August 24, 2006 at 4 p.m. before the regular zoning public hearing.

Chairman Freeman said he wanted to discuss a couple of straw-poll issues. On both sides of Highway 92 from Cowan Road to McIntosh where it turns off after Henry Jackson, uses are commercial and need to be reflected as such on the Future Land Use Map. This would apply only to properties abutting Highway 92. The trend in these areas is for office and institutional use (O&I). Changing land use warrants taking a look at the entire area, though, advised Mr. Taylor, as this defines the character of area.

Churches and schools help define character, as well. What is needed is direction to Mr. Wilson to proceed with filing an application for a land use map amendment. Neighborhood meetings would be held, and a recommendation would be returned to the Planning Commission with a final recommendation to the Board of Commissioners for the change. Chairman Freeman said he was instructing Mr. Wilson to do so. Commissioner McDaniel agreed but advised he wanted to ensure that we determine the character desired so as not to end up with convenience stores, Dollar Generals and Wal-Marts extending along the corridor. Mr. Taylor said input from the area residents will be extremely valuable in this area because it helps them determine the direction. Mr. Wilson said they would proceed.

Commissioner Flowers-Taylor was concerned about Sun City and other developments contributing to the over-55 population. She had discussed this influx with people at the hospital, and they felt the residents would not utilize Spalding Regional even though it is closer than other hospitals because of the route required to get there (North Hill Street). The Jordan Hill Road drive is also one of ugliest around. She wanted to have the County look at better ways to make these corridors attractive and help with medical services availability in the process. Perhaps some sort of overlay could be developed and possibly get grant monies, such as the Livable Centers Initiative (LCI), to develop the area and implement a streetscape. Sprucing the area up with streetscape and landscape would be advantageous for getting these numbers of people into town. The Comprehensive Transportation Plan should help the County's chances of getting another LCI study grant. There is time to work on this prior to this development building out. The consensus of Board was to direct Staff to proceed with recommending a methodology for redevelopment of the area, whether it be an overlay district or redevelopment zone designation or other processes they deem appropriate.

Commissioner McDaniel said we needed to utilize any methods the County could to keep retail and medical dollars from going north, east and west. Whether it's Spalding Regional deciding to put in a facility in the northeast quadrant, or whether the trip to the downtown facility can be made attractive to residents in some fashion, he also felt there were some interested parties who might help in this regard.

Mr. Taylor said the State passed legislation several years ago that gives cities and counties additional power when they declare an area as a redevelopment area and also helps become eligible for TEA-grants and other funding mechanisms to help improve the street look of the area. By defining the street area, it also provides the County with an opportunity to put higher property standards in place so that you can actively participate in cleaning up the area and giving it a whole new look.

Mr. Taylor advised there is a new revised preliminary plat from Sun City Peachtree that will go to the Planning Commission. The layout is slightly different from the development plan approved previously. Two things were driving the new plan – their architects recommended changes to the golf layout, and they are no longer proposing commercial uses within the development but rather directing them to the village node at Baptist Camp and Jordan Hill.

Mr. Taylor that Staff has many requests for temporary commercial buildings/classrooms, and presently nothing in our ordinance addresses this issue. The uses range from commercial classroom trailers at schools, both public and private, to businesses such as the Catfish Shack on Highway 19/41. There is currently no criteria, architectural or otherwise, that can be imposed and the proliferation of these type structures may not be desirable, but the trend needs attention. He asked if the Board wanted to direct Staff to develop something to accommodate these type uses, and the Board so directed.

D. Adjournment.

***Commissioner McDaniel moved to adjourn at 6:47 p.m., seconded by Commissioner Davis, and the motion carried by a unanimous 5-0 vote.***

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County Clerk

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Chairman

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